

CSD 1182 [12/01/03]

Name, Address, Telephone No. & I.D. No.
 Thomas H. Billingslea, Jr., Chapter 13 Trustee
 Jenny Judith Ha, [SBN 231476] Staff Attorney
 530 B Street, Suite 1500
 San Diego CA 92101
 (619)233-7525

OFFICE OF CHAPTER 13 TRUSTEE

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

LESTER EARL PATTON

BANKRUPTCY NO. 10-01989-LA13

Debtor.

NOTICE OF MOTION FOR FINDING DEBTORS NOT ENTITLED TO DISCHARGE

TO: The Debtors and their Attorney of Record

You are herewith served with the attached Motion by Jenny Judith Ha, Staff Attorney for Chapter 13 Trustee

seeking a **finding of fact and conclusion of law that Debtor(s) are not entitled to a discharge pursuant to §1328(f)(1)**

and any accompanying declarations.

If you object to the Court granting the relief requested in the Motion:

1. **YOU ARE REQUIRED** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to this bankruptcy case. *If a Chapter 7, 11, or 12 case, determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number is followed by the letter:*

-	M	-	call (619) 557-6019	-	DEPARTMENT ONE (Room 218)
-	A	-	call (619) 557-6594	-	DEPARTMENT TWO (Room 118)
-	H	-	call (619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	B	-	call (619) 557-5157	-	DEPARTMENT FOUR (Room 328)

For ALL Chapter 13 cases, call (619) 557-5955.

2. **WITHIN FOURTEEN (14)¹ DAYS FROM THE DATE OF SERVICE OF THE MOTION**, you are further required to serve a copy of your DECLARATION IN OPPOSITION TO MOTION and separate REQUEST AND NOTICE OF HEARING [Local Form CSD 1184²] upon the undersigned moving party, together with any opposing papers. The

¹If you were served electronically or by mail, you have three (3) additional days to take the above-stated actions.

²You may obtain Local Form CSD 1184 from the office of the Clerk of the U.S. Bankruptcy Court.

opposing declaration shall be signed and verified in the manner prescribed by Federal Rule of Bankruptcy Procedure 9011, and the declaration shall:

- a. identify the interest of the opposing party; and
 - b. state, with particularity, the grounds for the opposition.
3. **YOU MUST** file the original and one copy of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West "F" Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

IF YOU FAIL TO SERVE YOUR "DECLARATION IN OPPOSITION TO INTENDED ACTION" AND "REQUEST AND NOTICE OF HEARING" within the 14-day¹ period provided by this notice, NO HEARING SHALL TAKE PLACE, you shall lose your opportunity for hearing, and the debtor or trustee may proceed to take the intended action.

DATED: FEBRUARY 23, 2010

/s/ Jenny Judith Ha

Moving Party, Jenny Judith Ha, Staff Attorney for
Thomas H. Billingslea, Jr., Chapter 13 Trustee

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on 23rd day of FEBRUARY 2010, I served a true copy of the within NOTICE OF MOTION by
[describe here mode of service]

U.S. Mail, postage pre-paid,

on the following persons [set forth name and address of each person served] and/or as checked below:

[X] Attorney for Debtor (if required):

LESTER EARL PATTON
9440 CHESTNUT STREET
SPRING VALLEY CA 91977

DAVID E BRITTON
7777 ALVARADO ROAD SUITE 622
LA MESA CA 91941

For Chpt. 7, 11, & 12 cases:

For Chpt. 13 cases numbered

For Chpt. 13 cases numbered

90-08445 or lower and ODD

90-08446 to 92-01215 and EVEN

UNITED STATES TRUSTEE

numbers beginning with 92-01217:

numbers beginning with 92-01216:

Department of Justice

THOMAS H. BILLINGSLEA, JR., TRUSTEE

DAVID L. SKELTON, TRUSTEE

402 West Broadway, Suite 600

530 "B" Street, Suite 1500

600 "B" Street, Suite 2000

San Diego, CA 92101

San Diego, CA 92101

San Diego, CA 92101-4507

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 2/23/10
(Date)

/s/ Christina J. Gutierrez
(Name)
530 B Street Suite 1500
(Address)
San Diego, CA 92101
(City, State, ZIP Code)